

wherein said ink-receiving layer is composed of a porous layer comprising pigment particles and mutually fused thermoplastic resin particles that have been fused with no particle structure left.

REMARKS

Reconsideration and allowance of the subject application are respectfully requested.

Claims 1-13 are pending, with Claims 1 and 12 being independent. Claims 6-13 have been withdrawn from further consideration. (It is noted that the "Office Action Summary" for paper No. 7 erroneously refers to Claims "1-12" and "6-12", while the text of the Office Action correctly acknowledges the existence of Claim 13.) Applicants gratefully acknowledge the Examiner's indication that Claims 2 and 3 contain allowable subject matter.

Claim 1 has been amended to more distinctly recite and specifically claim the particular features of the present invention. Support may be found in the specification at least at page 13, lines 3-9. The specification has been amended to improve its idiomatic and grammatical form. It is submitted that no new matter has been added by the amendments herein.

The Examiner has imposed a restriction requirement among Group I (Claims 1-8), Group II (Claims 9-11) and Group III

(Claims 12 and 13), and has imposed an election of species requirement among species a) through d) (Claims 5 through 8, respectively), stating that Claims 1-3 are generic. Applicants affirm their provisional election with traverse of Group I and the species of Claim 5.

It is respectfully submitted that all of the claims could be searched by one Examiner without undue effort. It is also respectfully submitted that it is not mandatory to make a restriction requirement or election of species requirement in every possible situation.

It is believed that if one Examiner acts on all of the claims of the present application at one time, overall examining time will be less than if two or more Examiners are involved. It is also earnestly believed that the examination of all of the claims at one time by one Examiner in the present application will best ensure uniform prosecution quality. Therefore, in the interest of economy of prosecution time and prosecution quality for both the Office and Applicants, it is respectfully submitted that withdrawal of the restriction requirement and election of species requirement in this application and examination of all pending claims on their merits are appropriate and such action is respectfully solicited.

Claims 1-5 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite. Without conceding the

propriety of this rejection, to expedite prosecution, Applicants have amended Claim 1 to clarify that the thermoplastic resin particles are fused so that no particle structure is left in the final recording medium product. Applicants note that the temperature of the heat treatment for fusing the thermoplastic resin particles is higher than the fusing and adhering temperature of the thermoplastic resin particles. Such fusing and adhering temperature corresponds to the film forming temperature in the case of an emulsion or the molding temperature in the case of a molding resin. Accordingly, the fused thermoplastic resin particles leave no particle structure. Applicants submit that the claims comply with all aspects of Section 112, and respectfully request withdrawal of this rejection.

Claims 1, 4 and 5 were rejected under 35 U.S.C. § 103(a) as allegedly obvious over JP 2-31673 in view of either of Manser, et al. (U.S. Patent No. 5,525,400) or Warther (U.S. Patent No. 5,495,981). Applicants respectfully request reconsideration of this rejection.

Before addressing the merits of the rejection, Applicants believe it will be helpful to review some features of the claimed invention. As recited in Claim 1, the ink-receiving layer of the recording medium is composed of a porous layer comprising pigment particles and mutually fused thermoplastic

resin particles that have been fused with no particle structure left. As recited in Claim 12, the process for the preparation of a recording medium comprises the step of forming an ink-receiving layer by fusing and adhering the thermoplastic resin with heat under pressure. The present invention uses fused thermoplastic resin particles to fix pigments and to achieve excellent adhesion with a substrate (see page 10, lines 8-10 of the specification). In Applicants' view, the cited references do not teach or suggest the claimed invention.

JP 2-31673 discloses a recording medium for ink-jet recording which comprises a substrate, with an ink-receiving layer and an uppermost layer provided on the substrate. The ink-receiving layer contains pigments; the uppermost layer contains thermoplastic organic polymers.

In contrast, the ink-receiving layer of the present invention contains both pigments and mutually fused thermoplastic resin particles, wherein the pigments are fixed by the fusion of the thermoplastic resin particles. Applicants submit that JP 2-31673 does not teach or suggest that the ink-receiving layer contains both pigments and mutually fused thermoplastic resin particles. *not claimed*

The secondary references, Manser, et al. and Warther, are cited for teaching cards or ID's that may be printed upon and

that have bases or cores of metal or plastic films including polyvinyl chloride. It is submitted that these references do not teach or suggest the feature that an ink receiving layer contains both pigments and fused thermoplastic resin particles, either, and thus do not remedy the deficiencies of the primary reference noted above.

Accordingly, Applicants conclude that the cited references do not teach or suggest the claimed invention, either singly or in combination. Withdrawal of the Section 103 rejection is respectfully requested.

Applicants submit that the present invention is patentably defined by independent Claims 1 and 12. The dependent claims are also submitted to be patentable because they set forth additional aspects of the present invention. Separate and individual consideration of each dependent claim is respectfully requested.

Rejoinder and allowance of Claims 6-13 are respectfully requested.

Applicants submit that this application is in condition for allowance, and a Notice of Allowance is respectfully requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All

correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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